

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HENRY J. PRIEN,
Plaintiff,
v.
GARY LUCAS, *et al.*,
Defendants.

Case No. C07-5647 RJB/KLS

ORDER RE: PLAINTIFF'S MOTION
FOR AMENDED INFORMATION

Before the Court is Plaintiff's motion for amended information, in which Plaintiff sets forth facts under penalty of perjury. (Dkt. # 40). The motion is noted for April 25, 2008. Plaintiff seeks no relief in his motion. The Court interprets this filing as a declaration in support of Plaintiff's opposition to Defendants' motions to dismiss and for summary judgment, presently noted for the same day (Dkts. # 24 and 28), and will consider the declaration in that context. Defendant Wexford Health Services also reviews Plaintiff's filing as a response to its motion for summary judgment. (Dkt. # 49).

Accordingly, it is **ORDERED**:

- (1) The noting date for Plaintiff's motion for amended information (Dkt. # 40) shall be **STRICKEN**; however, Plaintiff's Declaration shall be considered, along with all documents and papers submitted by the parties in determining the pending motions for summary judgment and for dismissal (Dkts. # 24 and 28); and

1 (2) The Clerk of the Court shall send a copy of this Order to Plaintiff and to Defendants.

2 DATED this 2nd day of May, 2008.

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5 Karen L. Strombom
6 United States Magistrate Judge
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